

The Honorable Lauren King

IN THE UNITED STATES DISTRICT COURT,  
WESTERN DISTRICT OF WASHINGTON

Eve Nevada, LLC and Voltage Holdings,  
LLC

Plaintiffs,

vs.

Michelle Derbyshire (formerly Doe aka  
fbkf@sroff.com),

Defendant.

Case No.: 2:21-cv-251-LK

**DECLARATION OF KERRY S.  
CULPEPPER**

**DECLARATION OF KERRY S. CULPEPPER**

KERRY S. CULPEPPER, hereby declares under penalty of law that the following is true  
and correct:

1. I am an African American male and an attorney licensed to practice law in Hawaii,  
Virginia and the District of Columbia. I have represented the Plaintiffs in civil actions in Hawaii,  
Eastern District of Virginia and other districts.

2. I have personal knowledge of the matters stated herein, and this declaration is given

1 in support of Plaintiffs’ Motion for Default Judgment Against Defendant.

2 3. I represented Plaintiffs in a lawsuit against the operators of the piracy websites YTS  
3 and YIFY (1:19-cv-169-LEK, District of Hawaii – the “YTS lawsuit”).

4 4. In the comments section to an article on the website TorrentFreak reporting on the  
5 YTS lawsuit, I noticed Defendant posted comments boasting of her use of the websites YTS and  
6 YIFY (“oh yeah, yify baaaaaby!” “Is that the site I regularly use...?”) and operation of a seedbox  
7 under the username “lookinthemirrorloser” and a publicly displayed username “Harry S.  
8 Cornhole”. A seedbox is a high-bandwidth remote server for uploading and downloading of digital  
9 files from peer-to-peer networks such as BitTorrent.  
10

11 5. In other comments, Defendant stated my name, my firm address in Hawaii, referred  
12 to me as the “Hawaiian Negro”, and stated “Culpepper appears to be wanting an early funeral.  
13 Folks will murder for just about anything these days” thereby suggesting that I should be murdered  
14 for representing Plaintiffs. My wife became very concerned for my safety when she saw the  
15 comment.  
16

17 6. In connection with the YTS lawsuit, I served a subpoena on Disqus which is the  
18 platform that hosted the comments to determine the identity of Defendant. Disqus provided  
19 information showing that Defendant used the email address [fbkf@sroff.com](mailto:fbkf@sroff.com) to register her Disqus  
20 account, her comments and the IP addresses from where she made the comments.  
21

22 7. Her comment history included numerous comments advocating piracy, bragging  
23 about her “seedbox”, praising the YIFY website and expressing hatred for African Americans and  
24 other minorities. I noticed that the icon she chose for her handle is a symbol commonly used by  
25 advocates of White supremacy.  
26

27 8. The email address defendant used to register for her Disqus account is a type of  
28

1 “temporary email address” provided by a website without registering any information. Therefore,  
 2 it appears Defendant knew that her posts encouraging copyright infringement would cause her  
 3 civil liability.

4 9. Because the same type of comments were made by the same username across  
 5 multiple IP addresses, Joshua and I concluded that the identity of Defendant could be obtained  
 6 from the Internet Service Providers (ISPs) that controlled these IP addresses.

7 10. Joshua and I used the website of the American Registry of Internet Numbers and  
 8 MaxMind to determine the names of the Internet Service Providers (ISPs).

9 11. I also obtained records from Maverickeye UG (“MEU”) to ascertain the extent of  
 10 piracy activity at these IP addresses. The records from MEU show that Defendant shared  
 11 numerous copies of pirated YTS file copies of Plaintiffs’ Work from many of these IP addresses.  
 12 This is consistent with her boast of using the YIFY and YTS websites in her comments.

13 12. Many of the IP addresses are controlled by data centers who subsequently indicated  
 14 that they had assigned these IP addresses to VPN providers. This is consistent with Defendant’s  
 15 boast that she uses a VPN to “do this stuff safely” in one of her comments. *See* SAC at ¶¶40-41.

16 13. The same types of file copies of *Ava* were shared across all the IP addresses from  
 17 which Defendant made comments on Disqus using her “Harry S. Cornhole” handle. Exhibit “1”  
 18 [Doc. #27-1] to the Second Amended Complaint is a true copy of a subset of the capture records  
 19 obtained from MEU.

20 14. The ISPs identified one of the IP addresses as being assigned to Defendant’s home  
 21 in this district and another IP address as being assigned to the vacation rental Meridith Lodging in  
 22 Oregon. The operators of the vacation rental confirmed that Defendant was a guest at the vacation  
 23 rental at the time of the observed infringement at the IP address.

1           15. Defendant's posting of my name, address and invitation to people to murder me  
2 hinders my work on behalf of Plaintiffs to enforce their valuable Intellectual Property.

3           16. I believe Defendant's behavior concerning these posts crosses the line of acceptable  
4 critique of enforcement practices of copyright holders to harassment and it has real world effects  
5 that hinder enforcement of Plaintiffs' copyright. For example, my legal assistant expressed  
6 concerns to me about her name being in the public and being subject to harassment shortly before  
7 she resigned.  
8

9           17. Ordering Disqus to remove the comments will protect Plaintiffs' copyrights since  
10 her comments include encouragement to use a VPN to "safely" pirate Plaintiffs' Work from the  
11 YTS piracy website and that I be murdered to prevent litigation against piracy websites.  
12

13           I declare under penalty of perjury that the foregoing is true and correct.

14  
15 DATED: Kailua-Kona, Hawaii, January 11, 2022.

16   
17 Kerry Culpepper, Hawaii Bar No. 9837  
18 CULPEPPER IP, LLC  
19 75-170 Hualalai Road, Suite B204  
20 Kailua-Kona, Hawaii 96740  
21 Telephone: (808) 464-4047  
22 Facsimile: (202) 204-5181  
23 E-Mail: kculpepper@culpepperip.com  
24  
25  
26  
27  
28